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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,601	09/08/2003	Thorsten Boker	P2001,0173	1752

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EXAMINER

SCHAFFER, JONATHAN C

ART UNIT PAPER NUMBER

2621

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/657,601	Applicant(s) BOKER ET AL.	
	Examiner Jonathan C. Schaffer	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>07/01/05&09/08/03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. The term "large" in claims 1 and 6 is a relative term, which renders the claims indefinite. The term "large" is not defined by the claims, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Rewording the claims to include what the volume is larger than is recommended.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Kinsella (U.S. Patent Number 6,148,094).

1. An apparatus for detecting fingerprints, comprising:

a reading unit for scanning a finger;

Kinsella discloses a fingerprint sensor 44.

an image processing unit connected to said reading unit for producing an image of the finger;

Kinsella discloses an image-processing unit, which processes the scanned fingerprint (col. 6, l. 24-29).

a data interface connected to said image processing unit and being based on a standard for changeable memory cards holding large volumes of data; and

Kinsella discloses a variety of changeable memory cards, which can hold large volumes of data (col. 9, l. 24-34)

a housing holding said reading unit and said image processing unit and having a portion with:

a housing shape for receiving the changeable memory cards.

Kinsella discloses changeable memory cards in a device and thus it is considered inherent that the housing of the device be shaped to receive such cards.

2. The apparatus according to claim 1, wherein the standard is a multimedia card standard.

Kinsella discloses a number of multimedia card standards (col. 9, l. 24-34).

4. The apparatus according to claim 2, wherein said image processing unit produces data readable by a reader for the memory cards and conforming to the multimedia card standard.

Kinsella discloses data produced by the scanner and stored therefore readable on a multimedia card (col. 9, l. 12-34).

3. The apparatus according to claim 1, wherein said image processing unit produces data readable by a reader for the memory cards.

Kinsella discloses data produced by the scanner and stored therefore readable on a multimedia card (col. 9, l. 12-34).

5. The apparatus according to claim 1, wherein said image processing unit is configured to ascertain minutiae of a recorded image of the finger and to read the minutiae via said data interface.

Kinsella discloses an apparatus, which ascertains minutiae of the scanned fingerprint (col. 7, l. 1-3).

6. The apparatus according to claim 1, wherein each of the volumes of data holdable on the memory cards is large.

Kinsella discloses a variety of changeable memory cards, which can hold large volumes of data (col. 9, l. 24-34).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kinsella (U.S. Patent Number 6,148,094).

7. The apparatus according to claim 1, wherein each of the volumes of data holdable on the memory cards is at least one megabyte.

Kinsella discloses a variety of changeable memory cards, which can hold large volumes of data (col. 9, l. 24-34). Kinsella does not however disclose that the sizes of the media cards are at least one megabyte. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to combine Kinsella's disclosed media cards with cards holding at least one megabyte since the de facto size standard of media cards at the time of the invention was larger than one megabyte.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan C. Schaffer whose telephone number is (571)272-0603. The examiner can normally be reached on 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on (571)272-7695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JS



JOSEPH MANCUSO
SUPERVISORY PATENT EXAMINER